THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: November 10, 2020

Subject: Railroad Agreement for The District Sidewalk Project

Staff Resource(s): Jade Dundas, Capital Projects Director

Action Requested: Adoption of a resolution authorizing the City Manager to enter into an agreement with the Norfolk-Southern Railroad (NSRR) in the amount of $105,583 to allow construction of The District sidewalk project within NSRR right-of-way.

Background:

- On October 27, 2020, the City Council authorized the City Manager to enter into a contract with Moore & Son Site Contractors, Inc. of Mills River, North Carolina (Moore & Son) to construct The District Sidewalk Project.
- The District sidewalk project includes construction of:
    - sidewalk,
    - ADA sidewalk ramps,
    - a raised pedestrian crosswalk,
    - high-visibility crosswalk lines, and associated components.
- A portion of the project occurs within NSRR right-of-way, which necessitated NSRR review and approval of the construction plans for the work within NSRR right-of-way.
- Approval of the work within the NSRR right-of-way includes the City signing an agreement to reimburse NSRR's administrative, engineering review, hardware upgrades, construction of the crossing within the railroad right of way, and safety personnel costs.
- NSRR estimates these costs as approximately $105,583.
- City staff will attempt to structure the timeline of the sidewalk project so as to reduce the City's costs to NSRR, thereby minimizing the time NSRR personnel is on-site.
- Construction of the entire sidewalk project is scheduled to be 120 days with an expected construction start of December 1, 2020.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Transportation and accessibility

Committee(s):

- None

Pro(s):

- Improved connectivity and accessibility for the neighborhoods surrounding The District apartment complex.

Con(s):

- Construction will be disruptive to adjacent residences.
- Efforts will be made to minimize disruptions.

Fiscal Impact:

- Funding for project costs associated with this agreement were planned as a part of GO Bond pedestrian accessibility investments.
- The total maximum cost of this contract is $105,583.

Suggested Motion:

- Motion to adopt a resolution authorizing the City Manager to execute on behalf of the City of Asheville an agreement with NSRR in the amount of $105,583.

Attachment(s)

- Resolution

RESOLUTION NO. 20-_____

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORFOLK-SOUTHERN RAILROAD FOR ADMINISTRATIVE, ENGINEERING REVIEW, AND OTHER COSTS ASSOCIATED WITH THE DISTRICT SIDEWALK PROJECT

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for The District Sidewalk project, City of Asheville Project K1607, and a bidder was selected; and

WHEREAS, components of the sidewalk project are to be constructed within Norfolk-Southern Railroad right-of-way; and

WHEREAS, Norfolk-Southern Railroad must review and approve the construction plans for The District sidewalk plans, for those project components that are within Norfolk-Southern Railroad right-of-way; and

WHEREAS, Norfolk-Southern Railroad requires the City of Asheville to reimburse the Railroad for administrative, engineering review, and other costs; and

WHEREAS, the amount of the reimbursement is $105,583, and funding for the project is allocated within the GO Bond;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute an agreement with Norfolk-Southern Railroad for administrative, engineering review, and other costs associated with The District Sidewalk project, for a total amount not to exceed $105,583.

Read, approved and adopted this the 10th day of November, 2020.

_____ _____

City Clerk Mayor

Approved as to form:

_____

City Attorney